

City of Syracuse
Office of Zoning Administration

VARIANCE APPLICATION

City Hall Commons - Room 500 * 201 E. Washington Street * Syracuse, NY 13202-1426
315-448-8640 * zoning@syrgov.net * www.syrgov.net/Zoning.aspx

Office Use Filing Date: 12/7/2021 Case: V-13-28 M1 Zoning District: RAA (1261) BA

VARIANCE REQUESTED (Check applicable and briefly describe.)

- ☐ Area Variance:
Cited Zoning Ordinance _____
Part(s), Sec(s), Art(s): _____
- ☒ Use Variance: Hot Food
Cite Zoning Ordinance _____
Part(s), Sec(s), Art(s): _____

TAX ASSESSMENT ADDRESS(ES)	TAX MAP ID(S) (000.-00-00.0)	OWNER(S)	DATE ACQUIRED
1) <u>1919 State St S & Colvin St</u>	<u>084-16-121</u>	<u>Ashkar & Sons</u>	<u>6/1/984</u>
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____

As listed in the Department of Assessment property tax records at <http://syrgov.net/Assessment.aspx> - 315-448-8280.

COMPANION ZONING APPLICATION(S) (List any related Zoning applications, if applicable, e.g., Resubdivision, Special Permit, Project Site Review, etc.)

1) PA# 44448 2) _____ 3) _____

PROJECT CONSTRUCTION (Check all that apply and briefly describe.)

- ☐ Demolition (full and partial): _____
- ☐ New Construction: _____
- ☒ Façade (Exterior) Alterations: Roof top FANS X 2
- ☐ Site Changes: _____

PROJECT INFORMATION (Briefly describe, as applicable.)

Business/Project Name: ADD Commercial Hood

Current Land Use(s): store/deli

Proposed Land Use(s): _____

Number of Dwelling Units: 1

Days and Hours of Operation: 7 days 9am-10pm

Number of Onsite Parking Spaces: 12

PROJECT DESCRIPTION (Provide a brief description of the project, including purpose or need.)

ADD commercial kitchen hood to existing deli
in order to serve prepared meats fresh to the community

City of Syracuse Office of Zoning Administration

PROPERTY OWNER(S) (required)

As listed in Department of Assessment property tax records (<http://syrgov.net/Assessment.aspx> - 315-448-8280). If not listed as the owner, please provide proof of ownership, e.g., a copy of the deed. Attorney's signing on behalf of the owner must include a letter describing the legal arrangement. If the property owner is a Corporation or Organization, the person signing must provide member verification. **Contract purchasers, tenants, architects, engineers, contractors, etc. CANNOT sign on behalf of the owner.**

First Name	Last Name	Title	Company	Phone:
Ahmad	Ashkar	owner	Middle East Mkt	315-374-1842
Street Address	Apt / Suite / Other	City	St	Zip
* Signature: <i>Ahmad Ashkar</i>			Date:	11/10/21

First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St	Zip
* Signature:			Date:	

First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St	Zip
* Signature:			Date:	

First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St	Zip
* Signature:			Date:	

*** OWNER SIGNATURE DECLARATION**

I understand that false statements made herein are punishable as a Class A Misdemeanor, pursuant to section 210.45 of the Penal Law of the State of New York. I declare that, subject to the penalties of perjury, any statements made on this application and any attachments are the truth and to the best of my knowledge correct. I also understand that any false statements and/or attachments presented knowingly in connection with this application will be considered null and void.

APPLICANT(S) (if applicable)

First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St	Zip

First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St	Zip

REPRESENTATIVE(S)/CONTACT(S) (if applicable)

First Name	Last Name	Title	Company	Phone:
Najee	Ashkar			315-254-7236
Street Address	Apt / Suite / Other	City	St	Zip

First Name	Last Name	Title	Company	Phone:
Street Address	Apt / Suite / Other	City	St	Zip

USE VARIANCE TEST (see https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf)

A Use Variance is permission to establish a land use which is not allowed by the Zoning Rules and Regulations, as amended. New York State law requires applicants to prove that this has caused an unnecessary hardship using all of the four tests below. **Briefly describe below how each of the required Use Variance tests is met and attach all supporting materials.**

1. Describe how the property is incapable of earning a **reasonable return** on initial investment if used for any of the allowed uses in the district (actual "dollars and cents" proof must be submitted):

N/A

2. Describe how the property is being affected by **unique circumstances**, or at least highly uncommon circumstances:

N/A

3. Describe how the variance, if granted, will not alter the essential **neighborhood character**:

Not changing anything structural. Just adding kitchen hood to the Neighborhood character will not be altered in any way.

4. Describe how the hardship is not **self-created**:

World Pandemic created many new ways for all businesses. We have customers that want hot prepared meals delivered to their doorstep. Something we can not provide without the kitchen hood. In order to be successful and have a healthy business we must shift as needed to keep our customers.

AREA VARIANCE TEST (see [https://www.dos.ny.gov/lg/publications/Zoning Board of Appeals.pdf](https://www.dos.ny.gov/lg/publications/Zoning_Board_of_Appeals.pdf))

An Area Variance is permission to build in a portion of the property that is otherwise restricted by the Zoning Rules and Regulations, as amended. New York State law requires applicants to prove that the potential benefit of an Area Variance will outweigh any burden to community health, safety and welfare through a five-part balancing test. **Briefly describe how an Area Variance would affect the community using the following five tests and attach all supporting materials.**

1. Describe whether an undesirable change will be produced in the **character of the neighborhood**, or a detriment to nearby properties will be created by the granting of the area variance:

No change will be produced in the character of the neighborhood or to nearby properties

2. Describe whether the benefit sought by the applicant can be **achieved by some other method** which will be feasible for the applicant to pursue but would not require an area variance:

No other method. Area variance will not affect.

3. Describe whether the requested area variance is **substantial**:

N/A

4. Describe whether the proposed area variance will have an **adverse effect or impact** on the physical or environmental conditions in the neighborhood or district:

No

5. Describe whether an alleged difficulty is **self-created**.

No

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information							
<div style="font-size: 1.2em; font-family: cursive;">Middle East Market</div>							
Name of Action or Project:							
<div style="font-size: 1.2em; font-family: cursive;">1919 S. State St. Syracuse, NY</div>							
Project Location (describe, and attach a location map):							
<div style="font-size: 1.2em; font-family: cursive;">Commercial Kitchen Hood System.</div>							
Brief Description of Proposed Action:							
Name of Applicant or Sponsor: <div style="font-size: 1.2em; font-family: cursive;">Ahmad Ashkar</div>		Telephone: <div style="font-size: 1.2em; font-family: cursive;">315-374-1842</div>					
		E-Mail: <div style="font-size: 1.2em; font-family: cursive;">MIDDLEEAST1919@YAHOO.COM</div>					
Address: <div style="font-size: 1.2em; font-family: cursive;">1919 South State St</div>							
City/PO: <div style="font-size: 1.2em; font-family: cursive;">SYRACUSE</div>		State: <div style="font-size: 1.2em; font-family: cursive;">NY</div>	Zip Code: <div style="font-size: 1.2em; font-family: cursive;">13205</div>				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">NO</td> <td style="padding: 5px;">YES</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><input checked="" type="checkbox"/></td> <td style="padding: 5px; text-align: center;"><input type="checkbox"/></td> </tr> </table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">NO</td> <td style="padding: 5px;">YES</td> </tr> <tr> <td style="padding: 5px; text-align: center;"><input type="checkbox"/></td> <td style="padding: 5px; text-align: center;"><input checked="" type="checkbox"/></td> </tr> </table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3. a. Total acreage of the site of the proposed action? _____ acres b. Total acreage to be physically disturbed? _____ acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres							
4. Check all land uses that occur on, are adjoining or near the proposed action: 5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): <input type="checkbox"/> Parkland							

5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	NO <input type="checkbox"/> <input type="checkbox"/>	YES <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	N/A <input type="checkbox"/> <input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____ _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____ _____	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____ _____	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:	<input type="checkbox"/>	<input type="checkbox"/>
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe:	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>Ahmad Ashkar</u> Date: <u>11/10/21</u> Signature: <u><i>Ahmad Ashkar</i></u> Title: <u>OWNER</u>		

Site Plan 2/9/23 comments for Middle East Market at 1919
South State Street, Syracuse, NY, 13205:

Hello,

I am writing this letter to inform the city of Syracuse why there are deviations on the attached site plan from the original plan of variance.

Subject 1: There is no grass surrounding the building on the side of the parking lot (to the North) or behind the building (to the East).

Explanation 1: It is the opinion of multiple experts in the field that the addition of soil and grass at the requested locations would compromise the foundation of the building. Thus the attached site plan from 2/9/23 does not have this modification included in it.

Subject 2: The dumpsters are not placed in an enclosure on the NW corner of the property.

Explanation 2: It was the recommendation of field officers in code enforcement that the purpose behind this recommendation is to hide the dumpsters away from public view. Thus, it was recommended to instead relocate the dumpsters behind the building on the East side of the property where they serve their purpose of being out of public view and are still accessible to waste management services. By placing the dumpsters in this location, they are screened on the East, West, and South sides by 6 foot tall wood fence and the East side of the building.

All other recommendations have been met according to the variance proposed by the city of Syracuse.

Any questions or comments please contact me.

Sincerely,

Mohammad A Ashkar

Moashkar1@gmail.com

(315) 447-7880

1919 South State Street, Syracuse, NY, 13205

SITE PLAN 2/9/23

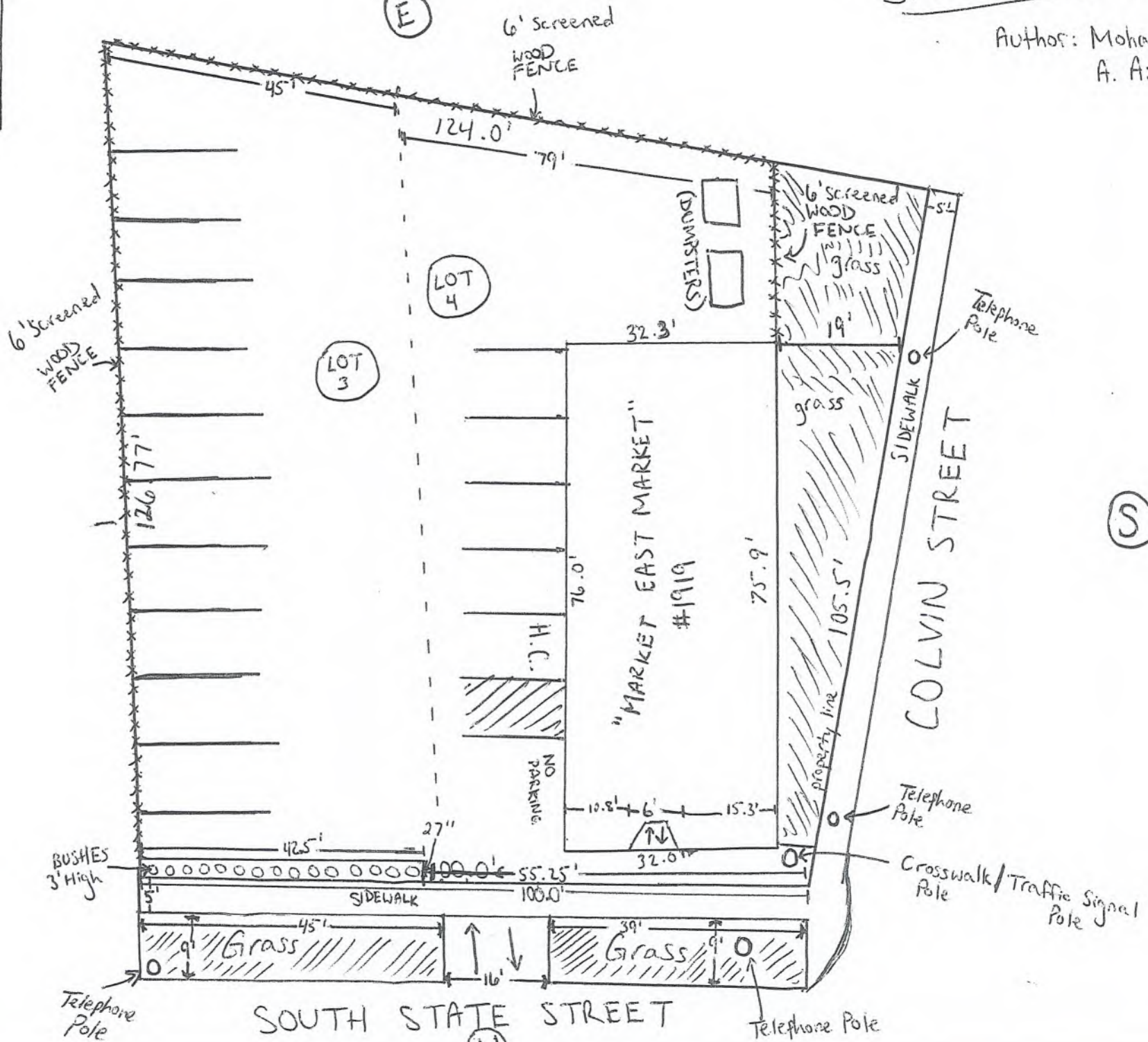
Author: Mohammad A. Ashkan

SCALE
1" = 20'
5' 5'

(N)

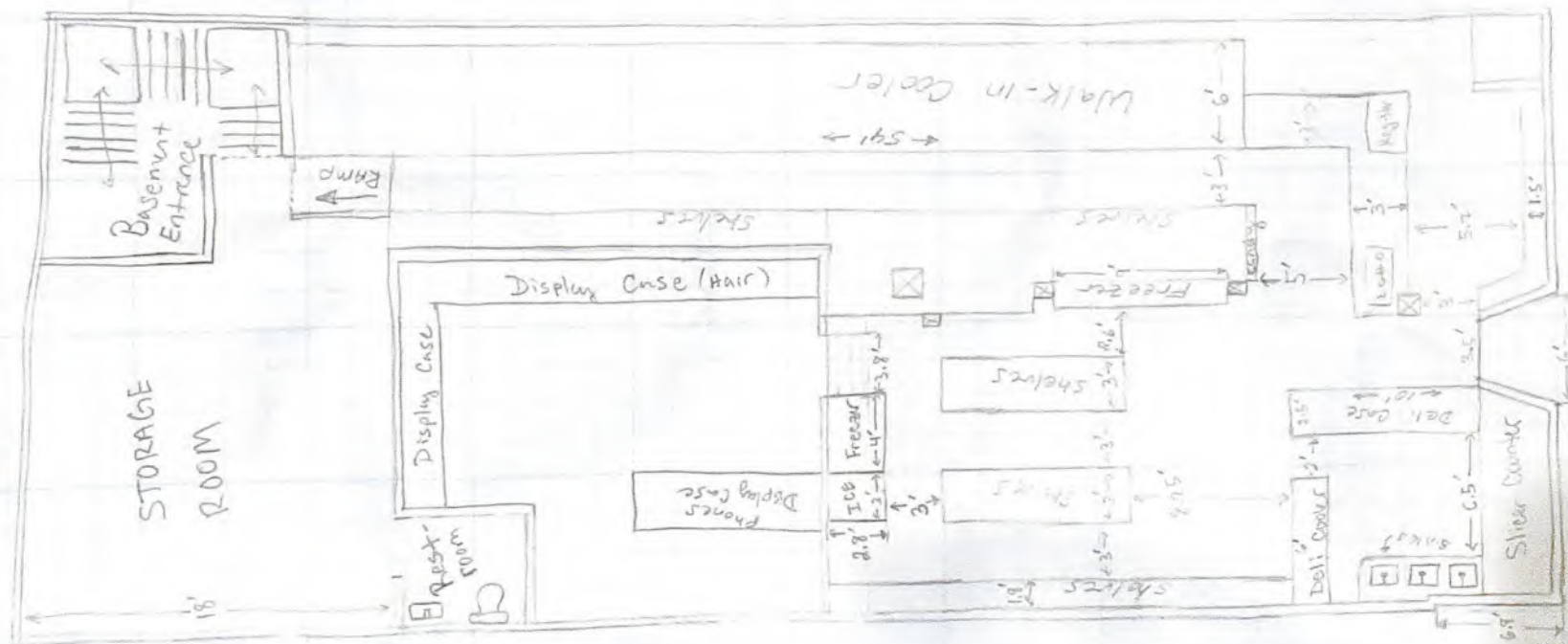
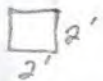
(E)

(S)





Scale: 1" = 8'



EXISTING FLOOR PLAN



Proposed Floor Plan - 12-07-2021